

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.23357 of 2016

Date:15.7.2016

Between:

The Deputy Director,
District Treasury Office, Khammam
District and two others.

.....Petitioners

And:

Ch. Sri Rama Murthy,
S/o Pullaiah and another.

....Respondents

Counsel for the petitioners: GP for Services (TS)

Counsel for Respondents: None appeared

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Order, dated 19.02.2014, in Original Application No.8776 of 2011 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal,') is assailed in this Writ Petition.

By the afore-mentioned order, the Tribunal has

directed the petitioners to consider the case of respondent No.1, who has already retired as Senior accountant, for promotion on par with his juniors disregarding the fact of pendency of C.C.No.42 of 2001 in the Court of the learned I Additional Judicial First Class Magistrate, Khammam.

While it is matter of debate as to whether the Tribunal was justified in directing the promotion of respondent No.1 pending the criminal case, in spite of the fact that he has already retired on attaining the age of superannuation, in our opinion, the conduct of the petitioners disentitles them to urge this Court to adjudicate this aspect.

A perusal of the impugned order of the Tribunal shows that the petitioners were directed to do the needful within three months from the date of receipt of a copy of the order. Nearly 2 ½ years went by, during which, neither the order of the Tribunal was implemented nor the same was questioned. The inaction of the petitioners might have kept respondent No.1 in tenterhooks not knowing whether the petitioners are going to implement the order of the Tribunal or question the same before this Court.

In paragraph-11 of the affidavit, the petitioners sought to explain the delay as under:

“It is further submitted that the Hon’ble APAT issued Order dated 19.02.2014 in O.A.No.8776 of 2011 filed by Sri Ch.Sri Rama Murthy, Senior Accountant (Retd), District Treasury Office, Khammam. By the time, the above orders were passed all the staff in the Head of the Department and in the Finance Department were completely involved in the State bifurcation related works such as entering the data of running and closing files in the reorganization

website. The connected staff were completely engaged in frequent meetings and submission of data relating to bifurcation of State cadre posts and employees as the appointed date was fixed on 02.6.2014. It is respectfully submitted that the entire administration and day to work in Heads of Department and the Secretariat was completely paralysed due to scanning of entire files, transfer of files. Division of Office premises, etc in connection with State bifurcation. Further, after formation of the State of Telangana, a meager staff and inadequate officers were allotted to the offices of petitioners herein through the order to service. Due to which, immediate process of files could not be taken up in the matter. It is submitted that the petitioners herein have the utmost respect towards the judiciary and also for orders passed by the Hon'ble High Court and hence, the inadvertent delay occurred in filing the Writ Petition may kindly be condemned."

We are wholly unconvinced about the reasons given in the afore-mentioned para. The State bifurcation, as pleaded by the petitioners, has taken place with effect from 02.6.2014. Even if the petitioners suffered all the teething problems, the delay of 2 ½ years is too long to be excused.

In these facts and circumstances of the case, we are of the opinion that the injustice respondent No.1 may suffer by our interference with the impugned order of the Tribunal would outweigh the advantage that the petitioners may gain by such interference.

Respondent No.1 who is subjected to criminal prosecution for the last 15 years cannot be permitted to make an eternal wait, as rightly observed by the Tribunal. In the event, the criminal prosecution ends in the

conviction of respondent No.1, the petitioners can always revert the said respondent and recover the monetary benefits from the pension, etc., of the said respondent.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.28771 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*15th July 2016
DR*